

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:08-CR-46
)	(Phillips / Shirley)
ALEJANDRO BARBA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter came before the undersigned on May 30, 2008, for a scheduled detention hearing. Assistant United States Attorney Tracee Plowell was present representing the government. Attorney Sid Arismenidez was present representing Defendant Alejandro Barba, who was also present.

In the Court's oral ruling, a complete review and analysis of the parties' positions, issues, and facts were stated. That specific and detailed oral ruling is attached hereto and made a part of this Order as if stated herein verbatim.

For the reasons stated therein, I find, pursuant to 18 U.S.C. § 3142, that (1) the government has not demonstrated by a preponderance of the evidence that this defendant is a flight risk and a risk not to appear as required if released, and (2) the defendant has not overcome the statutory presumption Defendant Barba's release would pose a danger to the community, as set forth at 18 U.S.C. § 3142(e). Furthermore, the Court also finds that there are no conditions or combination of conditions of release that would reasonably assure the Court that Defendant Barba would not pose a danger to the safety of any other person or the community while released, even if the record were

considered without the statutory presumption. See 18 U.S.C. § 3142(c).

It is therefore **ORDERED** that Defendant Alejandro Barba be detained pending the trial of this charge. Defendant will be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate to the extent practicable from persons awaiting sentencing or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of this Court or a Court of the United States or upon request of the attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshals for the purpose of an appearance in connection with a Court proceeding.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge